

Scott Morrison
152 Winter Hill Road
Holden, MA 01520
(508) 328-5935
smmorrison1212@gmail.com

RECEIVED TOWN CLERK
GRAFTON, MA
2021 DEC -8 PM 2:18

December 8, 2021

Grafton Zoning Board of Appeals
Municipal Center
30 Providence Road
Grafton, MA 01519

Re: 45 Creeper Hill Road (easement on #43), Grafton
Applicant: Scott Morrison

Dear Zoning Members:

I have attached a copy of the Order of Conditions issued by the Grafton Conservation Commission approving the project. The Conservation Commission required the use of the easement for access to minimize impacts to the extent practicable. By utilizing this easement, the project reduces impacts to steep slopes and avoids crossing through the Bordering Vegetated Wetlands (BVW) on the site. The BVW contains soils, mapped as Freetown soil series. These are mucky soils with very high groundwater. The current driveway layout avoids these difficult soils.

I look forward to meeting with the Board regarding this project. If you have any questions, please feel free to contact me at any time.

Sincerely,



Scott M. Morrison

17/E/GraftonCreeperHill45ZBALetter2



Grafton Conservation Commission

GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
Phone: (508) 839-5335 ext. 1138 • FAX: (508) 839-4602
www.grafton-ma.gov • concom@grafton-ma.gov

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GRAFTON, MA
2021 DEC -8 PM 2:18

November 30, 2021

Scott Morrison
152 Winter Hill Road
Holden, MA 01520

Subject: DEP # 164-1017 / WP #834 – Order of Conditions Approval with Special Conditions
45 Creeper Hill Road (Assessor's Map 10, Lot 44 & 45)

Scott Morrison:

Enclosed, please find your approved Order of Conditions and Grafton Wetlands Protection Bylaw with special conditions for property located at the above referenced location. Please review these documents and follow all conditions. Some of these conditions will need to be met prior to commencing work at the site.

Please be advised that it is your responsibility to have these documents recorded with the Worcester Registry of Deeds. Once recorded, please submit a copy of the page containing the registry bar code label to the Conservation Commission office prior to commencing work.

If you have any questions or concerns, please contact the office at 508-839-5335 extension 1138, or via e-mail at: concom@grafton-ma.gov

Sincerely,

Jan Elyse Taylor

Jan Elyse Taylor
Conservation Assistant

Enclosures: Order of Conditions, Special Conditions & Wetlands Protection Bylaw Permit

Cc:

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:164-1017
eDEP Transaction #:1327441
City/Town:GRAFTON

A. General Information

1. Conservation Commission	GRAFTON			
2. Issuance	a. <input checked="" type="checkbox"/> OOC	b. <input type="checkbox"/> Amended OOC		
3. Applicant Details				
a. First Name	SCOTT	b. Last Name	MORRISON	
c. Organization				
d. Mailing Address	152 WINTER HILL RD			
e. City/Town	HOLDEN	f. State	MA	g. Zip Code 01520
4. Property Owner				
a. First Name	MICHAEL & SELMA	b. Last Name	ABDELAHAD	
c. Organization				
d. Mailing Address	14 BRYANT ROAD			
e. City/Town	SHREWSBURY	f. State	MA	g. Zip Code 01545
5. Project Location				
a. Street Address	45 CREEPER HILL ROAD			
b. City/Town	GRAFTON	c. Zip Code	01536	
d. Assessors Map/Plat#	10	e. Parcel/Lot#	44 & 45	
f. Latitude	42.24930N	g. Longitude	71.71860W	
6. Property recorded at the Registry of Deed for:				
a. County	b. Certificate	c. Book	d. Page	
WORCESTER		14776	13	
7. Dates				
a. Date NOI Filed : 10/14/2021	b. Date Public Hearing Closed:	11/16/2021	c. Date Of Issuance:	11/30/2021

8. Final Approved Plans and Other Documents

a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date:	e. Scale:
SITE PLAN SITE ADDRESS: 45 CREEPER HILL ROAD GRAFTON, MA	DC ENGINEERING & SURVEYING INC	JASON D. DUBOIS	11/4/2021	1"=20'

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act.

Check all that apply:

a. <input checked="" type="checkbox"/> Public Water Supply	b. <input type="checkbox"/> Land Containing Shellfish	c. <input checked="" type="checkbox"/> Prevention of Pollution
--	---	--

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- | | | |
|---|--|---|
| d. <input checked="" type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Ground Water Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |

2. Commission hereby finds the project, as proposed, is:

Approved subject to:

- a. ☒ The following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- b. ☐ The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect interests of the Act, and a final Order of Conditions is issued. A description of the performance standards which the proposed work cannot meet is attached to this Order.
- c. ☐ The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a).

a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	<u>3450</u> a. square feet	<u>3450</u> b. square feet	<u>3900</u> c. square feet	<u>3900</u> d. square feet
Cubic Feet Flood Storage	<u>3450</u> e. cubic feet	<u>3450</u> f. cubic feet	<u>3900</u> g. cubic feet	<u>3900</u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	7000	7000		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	0	0		
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	7000	7000		
	g. square feet	h. square feet	i. square feet	j. square feet

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	c. c/y dredged	d. c/y dredged		

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21. ☐ Land Subject to Coastal Storm Flowage

_____ a. square feet b. square feet

22.

☐ Restoration/Enhancement (For Approvals Only)

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c & d or B.17.c & d above, please entered the additional amount here.

_____ a. square feet of BVW

_____ b. square feet of Salt Marsh

23.

☐ Streams Crossing(s)

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

_____ a. number of new stream crossings

_____ b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon

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which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..

10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

" Massachusetts Department of Environmental Protection"

[or "MassDEP"]

File Number : "164-1017"

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order(the "Project") is (1) ☐ is not (2) ☒ subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period

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BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with

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all applicable federal, state, and local laws and regulations.

- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No

2. The Conservation Commission hereby (check one that applies):

a. ☐ DENIES the proposed work which cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw _____

2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. ☒ APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw
GRAFTON
WETLANDS
PROTECTION
BYLAW

2. Citation _____

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows:
SEE ATTACHED "EXHIBIT A"



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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

11/30/2021

1. Date of Issuance

Please indicate the number of members who will sign this form. This Order must be signed by a majority of the Conservation Commission.

3

2. Number of Signers


The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

The signatures electronically inserted below represent the intent to sign the foregoing document in accordance with MGL Chapter 110G §9 and pursuant to the Commission's electronic signature authorization vote recorded on 06/11/2020 in Book 62574 and Page 216 at the Worcester Registry of Deeds.

DocuSigned by:

 8A4FF1C4C5FB4CA
 Signature

Sandra Brock
 Printed Name

DocuSigned by:

 909B1C217AE5471
 Signature

Elizabeth Doherty
 Printed Name

DocuSigned by:

 3B9816D4EBED431
 Signature

Patrick Huegel
 Printed Name

Signature

Printed Name

Signature

Printed Name

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

11/30/2021
 Date

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(M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

G. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

GRAFTON

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

GRAFTON

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

45 CREEPER HILL ROAD

Project Location

164-1017

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner MICHAEL & SELMA ABDELAHAD

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

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Signature of Applicant

Rev. 4/1/2010

EXHIBIT 'A'

This Order of Conditions and Grafton Wetlands Permit are issued with the following special conditions:

Findings

1. The Commission determined that this project meets the performance standards of the general provisions of the Wetlands Protection Act. Additionally, the lack of possible, reasonable alternatives and the proposed mitigation measures allow the project to be permitted as a limited project per 310 CMR 10.53(3)(e) and Section V.C.2 of the Grafton Wetlands Protection Bylaw Regulations.
2. For the purposes of this Order/Permit on this lot only, the Commission agrees with BLSF at 362 per the reasonable mapping error argument that the applicant presented. This is not a determination for FEMA flood zone purposes, for which the Commission defers to FEMA.

Waivers

1. The Commission granted a waiver from Section V.C.5.a. of the Grafton Wetlands Protection Bylaw Regulations to allow for temporary and permanent impacts to the twenty-five (25) foot no-disturb buffer zone due to the fact that this layout provides the maximum possible distance to resource areas and any alternatives would result in greater impacts to resource areas.
2. The Commission granted a waiver from Section V.C.4 of the Grafton Wetlands Protection Bylaw Regulations to allow for construction on a lot containing less than 30,000 square feet of contiguous upland due to the fact that this lot has an unusual layout with a division in it caused by a drainage swale.

General Conditions

1. The work shall be completed as shown on the plans entitled **"Site Plan Site Address: 45 Creeper Hill Road Grafton, MA"** with a final revision date of 11/4/2021.
2. If substantial changes from the above-referenced plans are proposed, those changes shall be submitted to the Commission for review in order to determine whether they qualify as a **minor change, require an amended Notice of Intent/Application, or require a new Notice of Intent/Application.**
3. The Commission reserves the right to **require additional measures if deemed necessary** to protect wetland resource areas and interests as defined in MGL Chapter 131 Section 40 (310 CMR 10.00), the Grafton Wetlands Protection Bylaw and Regulations, and the Grafton Stormwater Management Bylaw and Regulations.
4. This document shall be **included in all construction contracts, subcontracts, and specifications** dealing with the work proposed and shall supersede any conflicting contract requirements. The applicant shall ensure that all contractors, subcontractors, and other personnel are fully aware of these terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order/Permit.
5. This Order/Permit and the approved plans shall be **available at the project site** at all times.
6. **Work shall be halted** on the site if the Commission, Agent, or DEP determine that any of the work is not in compliance with this Order/Permit.

Conditions Prior to Commencement of Work

7. Prior to commencement of work, this Order of Conditions and Grafton Wetlands Protection Bylaw Permit **shall be recorded** with the Worcester Registry of Deeds. Once recorded, a copy of any pages containing Registry barcode labels shall be submitted to the Commission.
8. Prior to commencement of work, the applicant shall **obtain all other required municipal permits**. A copy of any variances received from the ZBA shall be submitted to the Commission to satisfy 310 CMR 10.58(4)(d)3.a.
9. Prior to commencement of work, the applicant shall submit a **detail of the proposed 1:1 rip rap slope** stamped by their engineer to the Commission.
10. Prior to commencement of work, a **sign shall be displayed** at the site entrance, not less than two (2) square feet, nor more than three (3) square feet, bearing the words "Grafton Wetlands Permit #834." In addition, the DEP file # must be displayed as required by the Order of Conditions.
11. Prior to commencement of work, the **erosion control barrier shall be installed** where indicated on the above-referenced plan and shall serve as the limit of disturbance. Where an erosion control barrier is not required, the limit of disturbance shall be marked with stakes, flagging or construction fencing.
12. Prior to commencement of work, the applicant shall install a **stone construction entrance** (tracking pad) at least twenty (20) feet wide and thirty (30) feet long consisting of an average stone size of one (1) to four (4) inches.
13. Prior to commencement of work, the contractor shall designate a **construction staging area**, located as far from wetland resource areas as feasible. All construction trailers, dumpsters, portable sanitary facilities, material storage, and overnight parking of equipment shall be located within the staging area. The perimeter of the staging area shall be protected with silt fence and the ground surface shall be protected with stone or another suitable non-erosive material. Any leakage or spillage of oil, hydraulic fluid, gasoline, or other pollutants must be cleaned up immediately and disposed of off-site. All fueling of equipment shall be performed outside of wetland resource areas and buffer zones. The Commission shall be notified immediately in the event of any spillage.

Conditions During Construction

14. **Construction equipment is prohibited beyond the erosion control barriers and delineated limit of work.**
15. The **erosion control barriers shall be maintained** in good repair until all work is complete and all disturbed areas have been fully stabilized. The applicant or qualified designee shall inspect the erosion controls daily, remove and properly dispose of any accumulated sediment, and replace any components, as necessary. The applicant shall immediately control any erosion problems that occur.
16. The applicant shall always maintain an **adequate and easily accessible supply of any erosion control materials** planned for use on site for emergency and/or routine replacement.
17. **Loaming and seeding** shall occur within seven (7) days of final grading. If any disturbed portion of the project is inactive for more than fourteen (14) days, it must be stabilized by seeding with a temporary stabilizing seed mix, unless the fourteen (14) days are in the winter. If this winter condition should occur, the applicant shall request a determination from the Commission as to whether seeding or an alternative measure should be conducted.

18. Materials shall be **stockpiled as far from wetland resource areas as feasible**. Soil stockpiles must be stabilized or covered at the end of each workday. Stockpile side slopes shall not be greater than two to one (2:1). Stockpiles shall be surrounded by erosion control barriers.
19. The **compensatory flood storage** shall be constructed as specified in the approved plans referenced above, the color-coded detail submitted on 11/8/21, and the narrative and details provided in the NOI unless otherwise specified in this Order/Permit. The compensatory flood storage shall be constructed prior to any filling of land subject to flooding.
20. **Perchlorate blasting agents** shall not be used in connection with this project.
21. All existing and proposed catch basins and storm drains on the site or on the streets adjacent to the site shall be protected by **silt sacks or an equivalent product** to prevent sediment from entering the drainage system. Silt sacks (or the equivalent) shall be maintained and regularly cleaned of sediment until final and complete site stabilization, at which point they may be removed.
22. At the end of each workday, the applicant shall **sweep** any sediment tracked onto the adjacent streets. All construction vehicles exiting the property shall be cleaned of soil prior to traveling on public streets within Grafton. All equipment washing shall occur within the designated staging area. Any runoff resulting from the washing of trucks or equipment shall not be directed toward, nor dumped into, any on-site drainage system or any area subject to protection under the MA Wetlands Protection Act or Grafton Wetlands Protection Bylaw.
23. An **impervious concrete washout structure** must be installed on site, located outside of all wetland resource areas and buffer zones, and must include signage labeling the structure "Concrete Washout Area". This is the only location on site where concrete trucks and tools are permitted to be rinsed. All materials deposited within the concrete washout structure must be disposed of off-site.
24. If **dewatering** proves to be necessary, a dewatering plan shall be submitted to the Commission for approval. Dewatering activities shall be monitored daily to ensure that sediment-laden water is appropriately settled prior to discharge. Water shall not be discharged directly into an area subject to jurisdiction of the Wetlands Protection Act or Grafton Wetlands Protection Bylaw. Management of groundwater and soil collected during excavation and dewatering activities shall be monitored by a Licensed Site Professional in accordance with MA DEP regulations. All excavated materials not reused on site shall be removed from the site immediately and disposed of properly.
25. All **erosion control materials** shall remain in place until the site is fully stabilized but shall be removed prior to the issuance of a complete Certificate of Compliance. The permit numbers sign shall be removed at the same time.
26. Upon completion of the work described herein, the applicant shall submit hard copies and electronic copies of the following to the Commission:
 - I. Two written **Requests for Certificates of Compliance** (WPA Form 8A and Grafton Bylaw Form 8A)
AND
 - II. A **letter** from a Massachusetts Registered Professional Engineer that certifies compliance of the project with this Order/Permit and details any deviations that exist, along with their potential effect on the project. A statement that the work is in "substantial compliance" without detailing the deviations shall not be accepted.
OR

- III. A complete **as-built plan** shown as a bolded overlay on top of the approved plans with any deviations shown in red, signed and stamped by a Massachusetts Registered Professional Engineer or Land Surveyor

Ongoing Conditions:

27. With the exception of the waiver granted above for activity adjacent to the B series wetland flags, a **no-disturb zone** of a minimum of twenty-five (25) feet shall be maintained along the upland edge of bordering vegetated wetlands. This area must be allowed to grow naturally and undisturbed. This condition is ongoing and does not expire with the issuance of a Certificate of Compliance.
28. **Signs** marking the no-disturb buffer zone shall be placed at intervals of no more than twenty (20) feet apart, along or affixed to the guardrail on the southern side of the driveway, from Creeper Hill Road to WF-C6. The signs shall be a minimum of four (4) inches in diameter and shall be constructed of rugged, weather-resistant material. Each sign shall be mounted on a steel post at a height of one (1) to five (5) feet above the ground, with a minimum of twenty-four (24) inches of the post buried below the ground. Each sign shall be printed with the words: "PROTECTED NO-DISTURB WETLAND BUFFER." These signs are to ensure notification, recognition, and respect for wetland boundaries. The signs shall not be removed or relocated without written authorization from the Commission. This condition is ongoing and does not expire with the issuance of a Certificate of Compliance.
29. **Dumping** of yard waste, clippings, or any material whatsoever is prohibited within the twenty-five (25) foot no-disturb buffer zone. This condition is ongoing and does not expire with the issuance of a Certificate of Compliance.
30. **Herbicides and pesticides** are not allowed within the one hundred (100) foot wetland buffer zone or the two hundred (200) foot riverfront area. **Fertilizer** may be applied in accordance with the recommendations of a recent soil analysis that shall be provided to the Commission prior to application. This condition is ongoing and does not expire with the issuance of a Certificate of Compliance.
31. **Sodium-based deicing products** shall not be used on the driveways within the one hundred (100) foot wetland buffer zone or the two hundred (200) foot riverfront area. This condition is ongoing and does not expire with the issuance of a Certificate of Compliance.
32. Per 310 CMR 10.53(3)(e), **further activity beyond that approved in the plans referenced above is prohibited** on this lot. This condition is ongoing and does not expire with the issuance of a Certificate of Compliance.



Grafton Conservation Commission

GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
Phone: (508) 839-5335 ext. 1138 • FAX: (508) 839-4602
www.grafton-ma.gov • concom@grafton-ma.gov

Form 5: Wetlands Permit Grafton Wetlands Protection Bylaw & Regulations

Rev. 5/17

Pg. 1 of 2

Grafton Wetlands Permit #: Project Location:

Assessor's Map #: Lot #:

Applicant: Address:

Owner: Address:

This Permit is issued as follows:

☒ Wetlands Permit OR ☐ Amended Wetlands Permit
OR ☐ Order of Resource Area Delineation (ORAD)

☒ Approved OR ☐ Denied

☒ In conjunction with Order of Conditions and/or SW Permit
 issued on .

The property is recorded at the Worcester Registry of Deeds, Book: Page:

The Grafton Conservation Commission has reviewed and held a public hearing on the above referenced application and plans. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the interests protected by the Grafton Wetlands Protection Bylaw and orders that all work shall be performed in accordance with the conditions found in the attached "Exhibit A." To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the application, the conditions shall control.

If an Order of Conditions, pursuant to MGL Ch. 131 § 40, has been issued for all or part of the project, said Order of Conditions (referenced above) is incorporated into this Permit and appended hereto.

This Permit is valid for three years from the date of issuance, unless otherwise specified by the Commission.

The applicant is responsible for ensuring that this Permit is recorded at the Registry of Deeds or the Land Court for the district in which the land is located. After recording, submit a copy of the page containing the registry bar code label to the Conservation Commission office.



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Form 5

Pg. 2 of 2

Grafton Wetlands Permit #:

Project Location:

This Permit is issued to the applicant and delivered as follows:

by hand delivery or ☒ by certified mail, return receipt requested

on (Date of Issuance):

The signatures electronically inserted below represent the intent to sign the foregoing document in accordance with MGL Chapter 110G §9 and pursuant to the Commission's electronic signature authorization vote recorded on 06/11/2020 in Book 62574 and Page 216 at the Worcester Registry of Deeds.

Signatures:

DocuSigned by:

8A4FF1C4C5FB4CA

DocuSigned by:

909B1C217AE5471

DocuSigned by:
Patrick Hugel
3B9616D4EBED431

This Permit must be signed by a majority of the Commission.

Any person aggrieved by this Permit or decision of the Commission, whether or not previously a party to the proceeding, may appeal according to MGL Ch. 249 §4. Appeals shall be made to Worcester Superior Court within sixty (60) days of the date of the signing and/or issuance of said Permit or decision, whichever is the later. Notice of the appeal and a copy of the complaint shall be sent by certified mail, or hand-delivered, to the Commission, the Town Clerk, its authorized representative, and Town Counsel, so as to be received within ten (10) days. The appeal shall contain any facts pertinent to the issue, a copy of the decision being appealed, bearing the date of filing thereof, the complete name and address of the party filing the appeal, the name and address of the attorney, if any, representing the person filing the appeal, and the relief being sought. If the appeal is filed by some person or persons other than the original applicant, appellants, or petitioner, the original applicant and all members of the Commission shall be named as parties defendant.

EXHIBIT 'A'

This Order of Conditions and Grafton Wetlands Permit are issued with the following special conditions:

Findings

1. The Commission determined that this project meets the performance standards of the general provisions of the Wetlands Protection Act. Additionally, the lack of possible, reasonable alternatives and the proposed mitigation measures allow the project to be permitted as a limited project per 310 CMR 10.53(3)(e) and Section V.C.2 of the Grafton Wetlands Protection Bylaw Regulations.
2. For the purposes of this Order/Permit on this lot only, the Commission agrees with BLSF at 362 per the reasonable mapping error argument that the applicant presented. This is not a determination for FEMA flood zone purposes, for which the Commission defers to FEMA.

Waivers

1. The Commission granted a waiver from Section V.C.5.a. of the Grafton Wetlands Protection Bylaw Regulations to allow for temporary and permanent impacts to the twenty-five (25) foot no-disturb buffer zone due to the fact that this layout provides the maximum possible distance to resource areas and any alternatives would result in greater impacts to resource areas.
2. The Commission granted a waiver from Section V.C.4 of the Grafton Wetlands Protection Bylaw Regulations to allow for construction on a lot containing less than 30,000 square feet of contiguous upland due to the fact that this lot has an unusual layout with a division in it caused by a drainage swale.

General Conditions

1. The work shall be completed as shown on the plans entitled **"Site Plan Site Address: 45 Creeper Hill Road Grafton, MA" with a final revision date of 11/4/2021.**
2. If substantial changes from the above-referenced plans are proposed, those changes shall be submitted to the Commission for review in order to determine whether they qualify as a **minor change, require an amended Notice of Intent/Application, or require a new Notice of Intent/Application.**
3. The Commission reserves the right to **require additional measures if deemed necessary** to protect wetland resource areas and interests as defined in MGL Chapter 131 Section 40 (310 CMR 10.00), the Grafton Wetlands Protection Bylaw and Regulations, and the Grafton Stormwater Management Bylaw and Regulations.
4. This document shall be **included in all construction contracts, subcontracts, and specifications** dealing with the work proposed and shall supersede any conflicting contract requirements. The applicant shall ensure that all contractors, subcontractors, and other personnel are fully aware of these terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order/Permit.
5. This Order/Permit and the approved plans shall be **available at the project site** at all times.
6. **Work shall be halted** on the site if the Commission, Agent, or DEP determine that any of the work is not in compliance with this Order/Permit.

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